

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	No. 12-00133-01-CR-W-BCW
v.)	
)	
CHARLES DANIEL KOSS,)	
)	
Defendant.)	

ORDER

On May 7, 2012, the Government filed a Motion to Compel Handwriting Exemplars. The Government requested that the Defendant be ordered to “provide true and exact exemplars of his handwriting to the United States Treasury Inspector General (TIGTA) and its representatives” so that a forensic analysis of his handwriting comparing it with handwriting on documents obtained by the Government could be completed before trial. (Doc. 7).

On May 30, 2012, United States Magistrate Judge Robert E. Larsen granted the Government’s motion and ordered the Defendant to appear before him on June 7, 2012, to provide handwriting exemplars. (Doc. 27).

At the June 7, 2012, hearing, the Defendant refused to comply with Judge Larsen’s order and failed to provide handwriting exemplars. (Doc. 32).

On January 23, 2013, Judge Larsen recommended that the Defendant be ordered to appear before this Court to show cause why he should not be held in contempt of court for failure to obey the May 30, 2012, order. (Doc. 75).

The Defendant appeared before this Court on February 19, 2013, to show just cause why he refused to comply with Judge Larsen’s order. Having heard from the Defendant and the United States, the Court finds, by clear and convincing evidence, that the Defendant Charles

Daniel Koss did not have just cause to disobey the Court's order to provide handwriting exemplars.

IT IS ORDERED that Defendant Charles Daniel Koss be held in Civil Contempt of this Court.

IT IS FURTHER ORDERED that this Court's order holding Defendant Charles Daniel Koss in Civil Contempt of this Court may be used at trial as evidence of the Defendant's refusal to provide handwriting exemplars. The Defendant's conduct, and all related events, is a circumstance from which the jury may, if it chooses, reasonably draw the inference and find, in light of the surrounding circumstances, that the Defendant Charles Daniel Koss believed that the comparison of his handwriting with the signatures on the documents obtained by the Government would be unfavorable to him and favorable to the prosecution.

IT IS SO ORDERED.

Date: February 19, 2013
Kansas City, Missouri

/s/Brian C. Wimes
JUDGE BRIAN C. WIMES
United States District Court